

FILED

September 2 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

KARL KNUCHEL
ATTORNEY AT LAW
116 W CALLENDER
PO BOX 953
LIVINGSTON MT 59047

September 2, 2009

**NOTICE REQUIRING FILING OF AMENDED NOTICE OF APPEAL
OR CROSS-APPEAL**

Supreme Court No.
DA 09-0487

VALERIE EMMERSON,

Petitioner and Appellant,

v.

WALLACE C. WALKER and
RANA RAE WALKER,

Respondents and Appellees.

WALLACE C. WALKER and
RANA RAE WALKER,

Third-Party Plaintiffs and Appellee,

v.

S. TUCKER JOHNSON,

Third-Party Defendant and Appellant.

Notice of Appeal Filed was filed on August 28, 2009 in that cause of action filed in Sweet Grass County - Sixth Judicial District as Cause No. [OriginalCaseNumber]. The notice does not contain the following required certification(s):

1. ____ That this matter ____ is/is not ____ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought ____ is/is not ____ less than \$5,000.

2. X That this matter ____ is/is not (x) an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached to the notice of appeal/cross-appeal as Exhibit "A."

3. ____ That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. ____ That all available transcripts of the proceedings in this cause involving the issue(s) appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. ____ That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.

6. ____ That a copy of the notice of ____ appeal/cross-appeal ____ has been contemporaneously filed in the office of the Clerk of the District Court and served by mail on all attorneys of record and on all parties not represented by an attorney.

7. ____ That the notice of appeal/cross-appeal was not accompanied by the filing fee prescribed by statute or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3. PLEASE NOTE THAT THE NOTICE OF APPEAL/CROSS-APPEAL WILL NOT BE FILED UNTIL THE FILING FEE IS PAID OR THE AFFIDAVIT FILED.

YOU ARE HEREBY DIRECTED TO CORRECT THE ABOVE-CHECKED DEFICIENCIES WITHIN 11 DAYS OF THE DATE OF THIS NOTICE AND TO BRING THE NOTICE INTO COMPLIANCE WITH M. R. APP. P. 4.

A true copy of this notice has been mailed on the date hereof to all attorneys of record and to all parties not represented by an attorney.

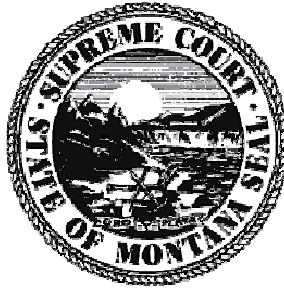
Dated September 2, 2009

Sincerely,



ED SMITH

Clerk of the Supreme Court



IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

MARK J HARTWIG
ATTORNEY AT LAW
PO BOX 2330
LIVINGSTON MT 59047

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5. ____ That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.
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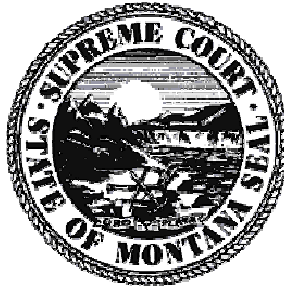
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Dated September 2, 2009

Sincerely,



ED SMITH
Clerk of the Supreme Court



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THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

LEANNE M SCHRAUDNER
ATTORNEY AT LAW
3825 VALLEY COMMONS DR
STE 5
BOZEMAN MT 59718

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5. ____ That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.

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